

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel GAVILAN-Campos,

Defendant

Magistrate Docket No. 9:08

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY:

DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **April 2, 2008** within the Southern District of California, defendant, **Miguel GAVILAN-Campos**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF APRIL 2008

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel GAVILAN-Campos

PROBABLE CAUSE STATEMENT

On April 2, 2008, Senior Patrol Agent T. Pacheco Jr., was performing uniformed linewatch duties in the Chula Vista Station's area of responsibility. At approximately 12:55 a.m., Agent Pacheco received a radio call from Senior Patrol Agent C. Loy, the Infra-red Scope Operator, who observed a group of suspected illegal entrant aliens north of the United States/Mexico International border near an area known as "675 Hump." This area is located approximately two miles east of the Otay Mesa, California, Port of Entry and 1/8 of a mile north of the United States/Mexico International Border.

Agent Pacheco responded to the area and after a brief search found three individuals attempting to conceal themselves in some brush. Agent Pacheco approached the individuals, identified himself as a Border Patrol Agent, and questioned the individuals as to their citizenship. All three, including an individual later identified as the defendant **Miguel GAVILAN-Campos**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to legally enter or remain in the United States. All three individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on February 20, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.